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Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Written communication submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 July 1992]

1. The International Federation of Human Rights (FIDH) and its affiliated member, the Organization of the Committees for the Defence of Democratic Freedoms and Human Rights in Syria (CDF), welcomed the release during the past two years of several thousand prisoners of opinion in Syria. According to the information gathered by our organizations, about 1,000 Lebanese, 2,500 Palestinians, 3,200 Syrians and 10 prisoners of varying nationalities have been released.

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2. However, FIDH and CDF are still deeply concerned about the fate of thousands of persons who are still being held, in complete violation of the rules of the international instruments for the protection of human rights concerning the administration of justice. According to CDF, nearly 7,000 prisoners of conscience and 3,000 disappeared persons are involved. Our organizations are particularly concerned about the arbitrary detention of several human rights activists who are members of CDF.

3. Eleven days after the closure of the forty-eighth session of the Commission on Human Rights, the State Security Court sentenced 10 persons after an unfair trial, and simply because they were members of CDF to penalties ranging from 5 to 10 years' imprisonment with forced labour, and deprived them of their civic rights. These persons are Nizar Nayouf (sentenced to 10 years' imprisonment), Aktham Nouaisseh (sentenced to 9 years' imprisonment), Muhammed Ali Habib (sentenced to 9 years' imprisonment), Bassam-al-Shaykh (sentenced to 8 years' imprisonment), Thabet Murad (sentenced to 5 years' imprisonment), Jadi'Nawfal (sentenced to 5 years' imprisonment), Ya'qub Musa (sentenced to 5 years' imprisonment), Hassan Ali (sentenced to 5 years' imprisonment) and Hussam Salama (sentenced to 5 years' imprisonment).

4. Admittedly, the Head of State has not confirmed their sentences. But they are still in prison and are in critical physical and mental condition: the lawyer Aktham Nouaisseh is paralysed on one side; he, the jurist Afif Mizher and the writer Nizar Nayouf all bear the scars of torture. They have been denied medical care and visits, although because of their condition they obviously need to be hospitalized.

5. The Syrian authorities have responded to the representations of the international non-governmental organizations by authorizing the military interrogation department to release Mrs. Nida'Chahoud and her daughter, Sarah, the poet Mahmud Abu Hamad and Mr. Amjad Bahbouha, as well as four CDF activists, namely Yaser Askif, Nazim Hassayn, Saner Nouaisseh, and Nabil Naus, two months after they were sentenced to three years' imprisonment. Reports have also been received that the prisoners who have been held for over 20 years will shortly be released. However, to date, only one person, Mr. Yusef Burji, has been released, and a further 23 are still in detention in critical condition. Thus, the state of health of Dr. Nour el-Din Atassi, who is being held in the Tishrin military hospital, is still very disquieting; Mr. Muhammed Id Ashshawi, Mr. Salah Jedid and Mr. Mahmud Fayyadh have still received no attention, despite the deterioration of their physical condition.

6. Other political prisoners who have been held since 1980 are also in critical condition. They are Mounif Moulhem, Riad al-Turk, Moustafa Khalifa, Abbas Abbas, Khaled Nasser and Hisham Zrouqi. Despite repeated requests by FIDH, the authorities have still not given the Federation permission to investigate their situation on the spot. The death in detention, on 16 April last, of Mr. Rif'at Ahmad Rajab, who was being held in Adra prison, proves, if proof was still needed, that the prisons must be opened up to the non-governmental organizations if their request for the unconditional and immediate release of the prisoners of opinion is not granted.

7. FIDH and CDF are also deeply concerned about the fate of 1,500 persons who were interrogated and of more than 40 persons who have been kept in administrative detention since 18 December 1991. According to our information, they were all subjected to torture during their interrogation. Besides the human rights and CDF activists mentioned above, the persons in question are: Dr. Abdelaziz Al-Khayyer, Mr. Bahjat Sha'bo, Dr. Muhammad Ghanem, the engineer Mounther Joum'a, Mr. Mahmoud Khadour, Mr. Abdallah Al-Fadhel, Mr. Nadim Mazlum, Mrs. Khadija Dib, Mr. Marwan Ghazi, Mr. Ahmad Ma'touq, the singer Turki Mouqdad, the engineer Jamal Yanes, the writer Salama George Kila, the Kurdish writer Ahmad Hasso, the engineer Abdelkarim Darwish, Mr. Amjad Kallas, Mr. Jamal Saleh Said and Mr. Jaffan Humsi.

FIDH and CDF are also disturbed over the fate of the persons who disappeared and about whom they had asked the Government for information. These persons are: Yousef Janat, Moudar al-Jundi, Abdelrahim Lazqani, Ousama al-Hassan, Jamal Sattam, Qasem al-Murched, Rashed al-Da'ass and Moussa al-Tahhan.

8. Lastly, FIDH and CDF are deeply worried about the increase in the number of trials that flout the rules of the right to a fair trial. In the last two months, the Syrian authorities have transferred prisoners from the Aleppo and Hims prisons, as well as many prisoners from the Palmyra prison, to the Sednaya and Adra prisons in order to try them in the State Security Court under Decree-Law No. 6, which established the state of emergency that has been in effect in Syria since 8 March 1963. Some one hundred persons accused of crimes against State security have already been interrogated by this court (see, for example, the list in the annex attached), without being given the minimum guarantees of the right to a fair trial, especially in respect of the independence and impartiality of the court, the rights of the defence, the presumption of innocence and the public nature of the proceedings.

9. The International Federation of Human Rights and the Committees for the Defence of Democratic Freedoms and Human Rights in Syria demand the immediate and unconditional release of all prisoners of opinion, the abolition of the emergency courts and the application in all proceedings of guarantees of the right to a fair trial, especially proceedings for crimes against State security. They further demand that a stop be put to the use of torture and that the perpetrators of acts of torture should be punished, and call upon the Sub-Commission to make a stand on this situation.

Annex

Indicative list of political detainees accused of crimes against State security who have already been interrogated by the State Security Court in violation of the rules of the right to a fair trial

(Surname, first name, occupation, date and place of birth, date of arrest, marital status, place of detention)

AL-FAWWAZ Ahmad Fayez (doctor)
1934, Ar Raqqah, 6 October 1990, married, 4 children, Adra Prison

QASHASH Umar (trade union leader)
1926, Aleppo, 6 October 1990, married, 6 children, Adra Prison

JAMOUS Fateh (mechanical engineer)
1948, Bisnada, married, 2 children, March 1982, Sednaya Prison

AL-KHAYYER Abdelaziz (doctor)
1951, Latakia, 1 February 1992, married, 1 child, military interrogation department

NAHHAS Nihad (student)
1953, Hamah, 16 May 1980, married, 1 child, Sednaya Prison

TU'MA Nash'at (lawyer)
1950, Dayr as Zawr, 25 December 1989, married, Sednaya Prison

TURK Riad (lawyer)
1930, Hims, 28 October 1980, married, 2 children, military interrogation department

AL-SAQAL Fadl (technician at the Tishrin newspaper)
1959, Dar'ja, 3 September 1987, married, 1 child, Sednaya Prison

GHANEM Muhammed (doctor)
1958, Latakia, 31 January 1992, military interrogation department

DARWISH Ali Sabr (member of the Teachers' Union)
1946, Salamiyah, 15 December 1987, married, 5 children, transferred from the Hims military prison, arrested four times previously, Sednaya Prison

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